

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ELIA LEON, as Personal Representative of
the Estate of MARTIN LEON, Deceased

Plaintiff,

vs.

No. CIV 12-0814 JB/LFG

LARRY A. PAYNE, PUCKETT
TRANSPORTATION, INC., FREDERICO
MARTINEZ-LEANDRO, FEDEX GROUND
PACKAGE SYSTEM, INC., and EUSEBIA
TRANSPORTATION, INC.,

Defendants.

FINAL JUDGMENT

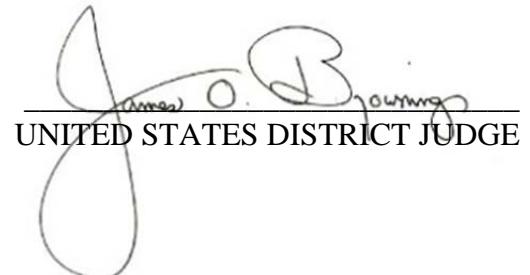
THIS MATTER comes before the Court on: (i) Plaintiff Elia Leon, as Personal Representative of the Estate of Martin Leon, Deceased’s “Plaintiff’s Notice of Partial Dismissal of Complaint Without Prejudice,” filed January 25, 2013 (Doc. 24)(“Notice of Partial Dismissal”); and (ii) the Court’s Stipulated Order of Dismissal, filed February 27, 2014 (Doc. 71)(“Stipulated Order”). In her Complaint to Recover Damages for Wrongful Death, Punitive Damages and Other Damages, filed in state court May 16, 2012, filed in federal court July 25, 2012 (Doc. 1-1)(“Original Complaint”), Leon asserted claims against Defendants Larry A. Payne, Puckett Transportation, Inc., Frederico Martinez-Leandro, FedEx Ground Package System, Inc., and Eusebia Transportation, Inc. See Original Complaint at 1-6. In the Notice of Partial Dismissal, Leon dismissed without prejudice her claims against Martinez-Leandro, FedEx Ground, and Eusebia Transportation. See Notice of Partial Dismissal at 1.

In Leon’s First Amended Complaint to Recover Damages for Wrongful Death, Punitive Damages and Other Damages, filed April 12, 2013 (Doc. 42)(“Amended Complaint”), Leon

asserted claims against only Payne and Puckett Transportation. See Amended Complaint at 1-9. In the Stipulated Order, the Court granted Leon's, Payne's, and Puckett Transportation's Joint Motion to Dismiss, filed February 14, 2014 (Doc. 69), in which the parties moved the Court to dismiss Leon's claims against Payne and Puckett Transportation with prejudice. See Stipulated Order at 1; Joint Motion to Dismiss at 1.

Because the Notice of Partial Dismissal and the Stipulated Order dispose of all claims and parties before the Court, the Court finds that entry of final judgment is appropriate.

IT IS ORDERED that: (i) Plaintiff Elia Leon, as Personal Representative of the Estate of Martin Leon, Deceased's claims and case against Defendants Frederico Martinez-Leandro, FedEx Ground Package System, Inc., and Eusebia Transportation, Inc., are dismissed without prejudice; (ii) Leon's claims and case against Defendants Larry A. Payne and Puckett Transportation, Inc., are dismissed with prejudice; and (iii) final judgment is entered.



John B. Young
UNITED STATES DISTRICT JUDGE

Counsel:

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--and--

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